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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,951	04/15/2004	Robert Andre Dunand	0208928.0002	7452
26574	7590	05/03/2006	EXAMINER	
SCHIFF HARDIN, LLP PATENT DEPARTMENT 6600 SEARS TOWER CHICAGO, IL 60606-6473			HOLLOWAY III, EDWIN C	
			ART UNIT	PAPER NUMBER
			2612	

DATE MAILED: 05/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/824,951	Applicant(s) DUNAND, ROBERT ANDRE	
	Examiner Edwin C. Holloway, III	Art Unit 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 4-15-04 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 - Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 - Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some * c) ☐ None of:
 - 1. ☐ Certified copies of the priority documents have been received.
 - 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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EXAMINER'S RESPONSE

1. In response to the application filed 4-15-04, the application has been examined. The examiner has considered the presentation of claims in view of the disclosure and the present state of the prior art. And it is the examiner's opinion that the claims are unpatentable for the reasons set forth in this Office action:

Claim Rejections - 35 USC § 102 & 103

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

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The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-6 and 8-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Martens (US 6411887B1).

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Regarding claim 1, 27 and 34, Martens discloses a method and apparatus for remotely controlling motor vehicle including a remote device 20 transmitting a wave coded signal to vehicles within activation range and receiver 10 responding to the signal to reduce speed of the vehicle. See col. 4 lines 31-61 and col. 6 lines 34-41.

Regarding claims 2-3, the remote device 20 is usually installed in police cars in col. 4 lines 38-43.

Regarding claim 4, the receiver 10 is installed in all vehicles in col. 4 lines 31-37 and col. 10 lines 48-51.

Regarding claim 5, vehicle types such as car, van and truck are included in col. 8.

Regarding claim 6, 300-500 ft. range and control to vary signal strength is included in col. 4 lines 52-61,

Regarding claim 8, the remote device 20 is linked to a police computer in col. 4 lines 38-43 and col. 13 lines 44-59.

Regarding claim 9, cartridge 100 operates as a portable unit to control base 20 in col. 13 lines 60-67 and col. 15 lines 1-9.

Regarding claims 10-12 and 29-31, operation of a slow key followed by a stop key is disclosed in col. 6 lines 34-56. Slow may be about idle speed in col. 9 line 35 corresponding to 5-10 mph.

Regarding claims 13-14, fuel supply and ignition cutoff control is included in col. 9 lines 24-36.

Regarding claims 15-16 and 32, flashing warding lights is included in col. 6 lines 11-33.

Regarding claim 17, a reset switch to return control to the vehicle operator is included in col. 6 lines 50-56.

Regarding claims 18-19 the remote device is secured by security device such as data receiver 95, cartridge slot 96, PIN (password) input, etc. in col. 13 line 33 - col. 14 line 21.

Regarding claim 20, the remote device 20 transmits encrypted RF on a specific frequency in col. 4 lines 43-61.

Regarding claim 21, keys that are pushed, corresponding to push buttons, are included in col. 6.

Regarding claims 22-25, the remote device includes a controller 20 with transmitter/receiver 21 the may be part of a police computer in col. 4 lines 38-46 is secured in col. 13 line 33 - col. 14 line 21. This includes communication and control from a central computer or portable unit.

Regarding claim 26 and 33, vehicles may transmit data in col. 4 line 65.

Regarding claim 28, the remote device 20/60 may be disarmed by power on/off switch 42/83 or security device 95, 96, 97.

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6. Claims 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martens (US 6411887B1) in view of Buck (US 4660528).

Martens includes 300-500 ft. range and control to vary signal strength in col. 4 lines 52-61, but does not specify 3-10 ft. range.

Buck discloses an analogous art remote vehicle disabling system with any power range in col. 2 line 66 - col. 3 line 2 and a handheld unit in col. 3 lines 25-30.

Regarding claim 7, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included in Martens 3-10 ft. range in view of Buck disclosing any range and Martins disclosing control to vary signal strength to provide reduced range that would include 3-10 foot range.

Regarding claim 9, if handheld is not clear in the portable device of Martens, then it would have been obvious in view of the handheld unit of Buck for convenience and because Martens refers to Buck as prior art.

7. Claims 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Martens (US 6411887B1) in view of Kelley (US 4878050).

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Kelly discloses an analogous art vehicle remote control with messages encoded typically in digital or binary encoding in conventional encoding form in col. 6 lines 19-45. If digital is not clear in Martens, then it would have been obvious in view of Kelly as typical, conventional encoding form of messages for immobilize a vehicle.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Szwed (US 5861799A), Muise (US 6072248A) and Gabbard (US 6124805A) disclose remote vehicle disablers.

CONTACT INFORMATION

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact an Electronic Business Center (EBC) representatives at 703-305-3028 or toll free at 866-217-9197 between the hours of 6 a.m. and midnight Monday through Friday EST, or by e-mail at ebc@uspto.gov. The Patent EBC is a complete customer service center that supports all Patent e-business products and service applications. Additional information is available on the Patent EBC Web site at <http://www.uspto.gov/ebc/index.html>.

Any inquiry of a general nature should be directed to the Technology Center 2600 receptionist at (571) 272-2600.

Facsimile submissions may be sent via central fax number 571-273-8300 to customer service for entry by technical support staff. Questions related to the operation of the facsimile system should be directed to the Electronic Business Center at


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(866) 217-9197. On July 15, 2005, the Central FAX Number will change to.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edwin C. Holloway, III whose telephone number is (571) 272-3058. The examiner can normally be reached on M-F (8:30-5:00). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on (571) 272-7308.

EH
4/30/06


EDWIN C. HOLLOWAY, III
PRIMARY EXAMINER
ART UNIT 2612